

## IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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PETRINA SMITH, <i>et al.</i> ,	)	
	)	
and	)	
	)	
DREXEL ANDERSON, <i>et al.</i> ,	)	Nos. 19-1348C; 20-1878 C
	)	
Plaintiffs	)	(Judge Lerner)
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant	)	
_____	)	

**JOINT STATUS REPORT AND MOTION TO EXTEND THE DEADLINE FOR  
DISCOVERY**

Pursuant to this Court's April 16, 2024 order, ECF No. 117, plaintiffs, Petrina Smith, *et al.* and Drexel Anderson, *et al.*, and defendant, the United States, respectfully submit this joint status report informing the Court whether the parties expect to meet the May 31, 2024 deadline for completing fact discovery and the status of their settlement discussions. Because the parties do not anticipate being able to complete discovery by May 31, 2024, the parties respectfully request that the Court extend the deadline to complete fact discovery to September 27, 2024, the deadline to disclose expert witnesses to October 11, 2024, the deadline to exchange opening expert reports to November 8, 2024, the deadline to exchange rebuttal expert reports by December 6, 2024, and the close of expert discovery to January 10, 2025. Good cause supports this request.

Although the parties have made substantial progress in fact discovery, the parties do not anticipate being able to fully complete fact discovery by the current deadline of May 31, 2024. Plaintiffs are currently preparing interrogatory responses, which they intend to serve on counsel

for the United States shortly (current deadline is May 22, 2024). After receiving and reviewing these responses, the United States intends to depose several ACC plaintiffs. Further, counsel for plaintiffs have indicated to counsel for the United States that they intend to conduct a Rule 30(b)(6) deposition of the United States. Additional time beyond May 31, 2024 is needed for the parties to complete depositions and any other remaining fact discovery.

The parties have also discussed settlement on several occasions. However, the parties believe that sustained in-depth settlement discussions would be most productive after the parties have had an opportunity to conduct additional discovery, including additional deposition testimony. After conducting additional discovery, the parties intend to dedicate a substantial amount of time during the remaining duration for fact and expert discovery to discuss settlement. Accordingly, to provide additional time for the parties to take fact discovery and provide sufficient time for the parties to engage in in-depth settlement conversations, the parties respectfully propose that the Court adopt the following discovery schedule:

**Proposed Discovery Schedule**

Event	Current Deadline	Proposed Deadline
Close Of Fact Discovery	May 31, 2024	September 27, 2024
The Parties Shall Disclose Their Expert Witnesses	June 14, 2024	October 11, 2024
The Parties Shall Exchange Opening Expert Witness Reports	July 12, 2024	November 8, 2024
The Parties Shall Exchange Rebuttal Expert Witness Reports	August 9, 2024	December 6, 2024
Close Of Expert Discovery	September 13, 2024	January 10, 2025

In addition to providing the parties with additional time to take discovery and to engage in settlement discussions, an extension of the discovery schedule is warranted given previous and

upcoming deadlines counsel for defendant and counsel for plaintiffs have in other matters. *See, e.g.,* for United States' counsel: *ASTi v. United States*, Fed. Cl. No. 23-2201 (brief due on April 9, 2024, brief due on May 21, 2024, and oral argument scheduled for June 7, 2024); *Jilin Forest Industry Jinqiao Flooring Group Co. v. United States*, Fed. Cir. No. 23-2245 (brief due on May 13, 2024); *Baroque Timber Industries (Zhongshan) Co., Ltd. et al v. United States*, CIT No. 23-136 (brief due on June 4, 2024); *Baytos, et. al. v. United States*, Fed. Cl. No. 21-1085 (oral argument scheduled for June 17, 2024); *Silver State Land, LLC v. United States*, Fed. Cl. No. 19-688 (trial scheduled for July 22-26, 2024).

For these reasons, the parties respectfully request that the Court enter an order extending the existing deadlines as set forth above.

Respectfully submitted,

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Counsel for *Smith* Plaintiffs  
Dated: May 9, 2024

Counsel for Defendant

I HEREBY CERTIFY that on this 9th day of May 2024, the foregoing *Joint Status Report and Motion to Extend the Deadline for Discovery* was electronically filed with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record who have enrolled and registered for receipt of filings via the Court's ECF system.

/s/ Noor Haleem